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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,278	03/08/2001	Ari Juels	RSA-044 (7216/66)	6866
23483	7590	12/11/2007		
WILMERHALE/BOSTON 60 STATE STREET BOSTON, MA 02109			EXAMINER ELISCA, PIERRE E	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 12/11/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

### Application No.

09/802,278

### Applicant(s)

JUELS, ARI

### Examiner

Pierre E. Elisca

### Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-23 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is in response to Applicant's arguments filed on 09/26/2007.
2. Claims 1-23 remain pending.

### ALLOWABLE SUBJECT MATTER

3. Claims 18-23 are allowed over the prior art of record.

### *Claim Objections*

4. Claims 9-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **the newly found prior Hertz Frederick S. M. (U.S. PG. Pub 2003/0037041; 12/09/1996)** in view of Walker et al (U.S. Pat. No. 6,249,772).

As per claims 1-8 **Hertz 041**” substantially discloses a system/method for automatic determination of customized and promotions or advertisements (which is readable as Applicant’s claimed invention wherein said a method for enabling targeted information retrieval while protecting consumer privacy) comprising:

providing a plurality of elements of information (see., abstract, specifically target objects, [0002], [0014], [0015], and [0018]);

specifying a negotiant function designed to accept a plurality of elements of data associated an information request as output, said information request designating at least one element of information to present to the consumer from among a plurality of elements of information (see., abstract, [0014], [0018], [0019], [0109], specifically [0205], negotiate the release of user-specific information and credentials from proxy server); and

distributing the negotiant function (see., abstract, [0014], [0015], [0018], [0205]). **Hertz 041**” fails to explicitly disclose the step of distributing the negotiation function to a consumer for execution by said consumer. However, Walker discloses a system/method wherein **a consumer negotiates a price for a selected product**, the consumer is assured that he will actually receive the product (see., abstract, col 10, lines 35-45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the privacy-protected targeting system of **Hertz 041**” by including the limitation detailed above as taught by Walker because this would allow consumer to significantly affect the price of the products of the manufacturer.

7. Claims 1-8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **the newly found prior Hertz Frederick S. M. et al (U.S. Pat. No. 5,754,939; 05/19/1999)** in view of Walker et al (U.S. Pat. No. 6,249,772).

As per claims 1-8 **Hertz 939**" substantially discloses an inventive concept of customizing electronic identification of desirable object (which is readable as Applicant's claimed invention wherein said a method for enabling targeted information retrieval while protecting consumer privacy) comprising:

providing a plurality of elements of information (see., abstract, specifically target objects, col 1-col18);

specifying a negotiant function designed to accept a plurality of elements of data associated an information request as output, said information request designating at least one element of information to present to the consumer from among a plurality of elements of information (see., abstract, col 1-col18, negotiate the release of user-specific information and credentials from proxy server); and

distributing the negotiant function (see., abstract, [0014], [0015], [0018], [0205]). **Hertz 939**" fails to explicitly disclose the step of distributing the negotiation function to a consumer for execution by said consumer. However, Walker discloses a system/method wherein **a consumer negotiates a price for a selected product**, the consumer is assured that he will actually receive the product (see., abstract, col 10, lines 35-45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the privacy-protected targeting system of **Hertz 939**" by including

the limitation detailed above as taught by Walker because this would allow consumer to significantly affect the price of the products of the manufacturer.

#### RESPONSE TO ARGUMENTS

8. Applicant's arguments filed on 09/26/2007 have been fully considered but they moot in view of new ground (s) of rejection.

#### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Patents and hoteling.

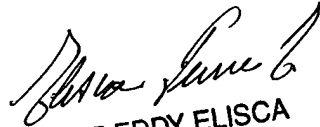
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 29, 2007

  
PIERRE EDDY ELISCA  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600